



***Division of Public Defender Services
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JUDICIARY COMMITTEE
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RAISED BILL 5432, AN ACT CONCERNING SCHOOL BASED ARRESTS

The Office of Chief Public Defender strongly supports passage of Raised Bill 5432, **An Act Concerning School Based Arrests**. This bill would require schools to develop policy and procedures regarding the role of school resource officers. This proposal also sets a common definition for the term "school based arrest" and would require schools to report arrests on the strategic school profile filed each year with the State Department of Education.

It has become regular practice for schools to employ school resource officers, which are fully sworn police officers, to deal with security and discipline issues. Groups like the Connecticut Juvenile Justice Advisory Council, Connecticut Voices for Children and the Connecticut Juvenile Justice Alliance have conducted studies on the issue of how this practice has impacted the number of children being arrested in school. All studies have shown that the vast majority of arrests are for low level, non violent offenses such as disorderly conduct. Much of the time the behavior, while technically meeting the legal definition of a misdemeanor crime, are instances of classroom behavior or hallway antics more appropriately handled with school discipline than with arrest. Problems develop when the decision needs to be made whether to refer a young person for in school discipline or to arrest.

The JJAC discovered that most towns do not have policies or protocols in place to guide when intervention of law enforcement is appropriate. The JJAC, as the arm of the state that distributes federal grant dollars aimed at juvenile justice programs, sought to encourage towns to work with their local law enforcement to develop such policies. The JJAC developed a model memorandum of understanding (MOU) and gave out small grants to cities and towns to implement them. This program, while still being evaluated, has resulted in nearly 20 school systems adopting the model MOU. The impact of the MOU on the incidents of school based arrests is being studied by researchers at the



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University of Connecticut but early results show that arrests are decreasing in the towns that have set disciplinary policy that outlines the appropriate use of law enforcement. Requiring schools to set policies for the appropriate intervention of law enforcement will guarantee consistent enforcement of school discipline policies. Fewer arrests should result in more immediate discipline and intervention. Schools that have adopted the model MOU have instituted graduated disciplinary procedures. This can eventually lead to a court referral for a child who continues to be disruptive in school but requires that other less restrictive interventions be tried in most cases.

Ensuring accurate reporting of school based arrests is critical. Acquiring data on school based arrests has been historically difficult. Requiring schools to report school based arrests on their strategic school profiles already required by the State Department of Education will provide an easily accessible database to study the scope of the problem. Setting a common definition of what counts as a "school based arrest" will make research and evaluation easier. There are other interventions in place across the state to address the issue of arrests at school. The Connecticut Juvenile Justice Alliance has been facilitating cooperation between the police and the schools in areas not initially receiving funding from the JJAC. Other groups are working on projects in Waterbury and Bridgeport. All of these efforts should result in a more positive school environment for all of our children.

Better data collection will also help us determine the impact of school based arrests on the disproportionate number of children of color in our juvenile justice system. While Connecticut data has been hard to obtain, nationally, studies have shown that children of color are disproportionately affected by school based court referrals. In a 2005 study, the Advancement Project at Harvard University studied several urban school districts across the country and concluded that African American children represented only 17% of public school enrollment nationwide in 2000, but accounted for 34% of suspensions. Likewise, in 2003, African-American youths made up 16% of the nation's overall juvenile population but accounted for 45% of juvenile arrests. Moreover, studies show that African-American students are far more likely than their white peers to be suspended, expelled, or arrested for the *same kind* of conduct at school. Including school based arrest data on the strategic school profile will allow us to study who is being arrested at school and how various groups are being impacted.



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As this legislature works to reform our public schools, it is important to know if Connecticut really has an issue with school based arrests. We need to know if schools are inappropriately using law enforcement to effect school discipline policies. Students who are excluded from school, whether it is because of suspension, expulsion or referral to juvenile court are more likely to end up in the criminal justice system, populating or adult correctional facilities. This proposal will help ensure that, school discipline is enforced in a consistent matter and that officials and others are able to accurately study the extent of the problem and the best possible solutions. The Office of Chief Public Defender urges this Committee to report favorably on this bill.

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